

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

STEVE GARRISON,
Plaintiff,

v.

COUNTY OF SANTA CLARA, et al.,
Defendants.

Case No. [17-cv-05043-YGR](#) (PR)

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

Plaintiff filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983. This suit was reassigned from a magistrate judge to the undersigned in light of a recent Ninth Circuit decision.¹

On October 18, 2017, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with the following notations: “RETURN TO SENDER. UNCLAIMED. UNABLE TO FORWARD.” Dkt. 7. On November 8, 2017, the Court received a letter from the Santa Clara County Office of the Sheriff indicating that Plaintiff was “no longer in [their] custody at Santa Clara County Department of Corrections as of 09/05/17.” Dkt. 9 at 1. On November 13, 2017, mail directed to Plaintiff by the Court was again returned to the Clerk with the following two notations: “NOT IN CUSTODY” and “RETURN TO SENDER. VACANT. UNABLE TO FORWARD” Dkt. 10. To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable, and (2) the Court fails to receive within sixty days of this return a written communication from the *pro se* party indicating a current address. *See* L.R. 3-11(b).

¹ *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before magistrate judge).

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More than sixty days have passed since the second piece of mail directed to Plaintiff by the Court was returned as undeliverable. The Court has been notified that Plaintiff is no longer in custody, and it has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

Dated:

YVONNE GONZALEZ ROGERS
United States District Court Judge